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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/507,051

09/09/2004

Gilles LeMasson

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EXAMINER

ELVE, MARIA ALEXANDRA

ART UNIT

PAPER NUMBER

1793

MAIL DATE

DELIVERY MODE

02/05/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/507,051

Applicant(s)

LEMASSON, GILLES

Examiner

M. Alexandra Elve

Art Unit

1793

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-14 and 24-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-14 and 24-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 May 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 & 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP (1,391,080) in view of Anderson (USPN 5,167,903).

EP ('080) discloses a laser cutting whereby the workpiece is supported on a knife-edged support. The support elements are constructed in the forms of strips and are connected by means of pins and spacers to form a support unit. The upper part of the right hand side is beveled and for an angle (α) with the other straight side. The knife-edged support has tip angle (α) which is 6° or less. This angle obviates interfering reflections from the laser-cutting beam. The supports are made of aluminum (light weight metal) or copper. In addition, shielding gas may pass through the support element.

EP ('080) does not specific as to whether the supports (insert/slat) are removable or the presence of a void.

Anderson discloses a worktable used in conjunction with a water table. Removable support bars (20) are attached to a tray (2) having an attachment cutout (i.e. a void) and vertical slots (16). The worktable may be immersed in the water or above

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the water during the cutting of a metal plate. The tray is connected to a conveyor (figure 19).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have removable support bars and a void in the bar, as taught by Anderson in the EP ('080) system because this enhance the versatility of the system and decreased weight.

In view of the fold: Substitution of known equivalent structures. In re Ruff 118 USPQ 343 (CCPA 1958).

It would have been obvious to one having ordinary skill in the art at the time of the invention to shape, size or form the prior art product any shape, size or form, because change of shape, size and form has been held an obvious variant in any art. In re Rose 105 USPQ 137.

Changes of proportions were held obvious. In re Reese 129 USPQ 402; In re Fields 134 USPQ 242.

Making elements adjustable was held to have been obvious. In re Stevens 101 USPQ 284.

Rearrangement of parts was held to have been obvious. In re Japikse 86 USPQ 70.

Intended use has been continuously held not to be germane to determining the patentability of the apparatus, In re Finsterwalder, 168 USPQ 530.

The manner or method in which a machine is to be utilized is not germane to the issue of patentability of the machine itself, In re Casey, 152 USPQ 235, 238.

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Purpose to which an apparatus is to be put and expression relating apparatus to contents thereof during intended operation are not significant in determining patentability of an apparatus claim, *Ex parte Thibault*, 164 USPQ 666.

A recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations, *Ex parte Masham*, 2 USPQ 2d 1647.

Claims 8 & 23-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson in view of EP ('080).

Anderson discloses a worktable used in conjunction with a water table. Removable support bars (20) are attached to a tray (2) having an attachment cutout (i.e. a void) and vertical slots (16). The worktable may be immersed in the water or above the water during the cutting of a metal plate. The tray is connected to a conveyor (figure 19).

Anderson does not specifically teach the fold of the support.

EP ('080) discloses a laser cutting whereby the workpiece is supported on a knife-edged support. The support elements are constructed in the forms of strips and are connected by means of pins and spacers to form a support unit. The upper part of the right hand side is beveled and for an angle (α) with the other straight side. The knife-edged support has tip angle (α) which is 6° or less. This angle obviates interfering reflections from the laser-cutting beam. The supports are made of aluminum (light

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weight metal) or copper. In addition, shielding gas may pass through the support element.

It would have been obvious to one of ordinary skill in the art at the time of the invention to fold or angle the support, as taught by EP ('080) in the Anderson system because this angle/fold angle obviates interfering reflections from the laser-cutting beam.

Substitution of known equivalent structures. In re Ruff 118 USPQ 343 (CCPA 1958).

It would have been obvious to one having ordinary skill in the art at the time of the invention to shape, size or form the prior art product any shape, size or form, because change of shape, size and form has been held an obvious variant in any art. In re Rose 105 USPQ 137.

Changes of proportions were held obvious. In re Reese 129 USPQ 402; In re Fields 134 USPQ 242.

Making elements adjustable was held to have been obvious. In re Stevens 101 USPQ 284.

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A recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations, *Ex parte Masham*, 2 USPQ 2d 1647.

Response to Arguments

Applicant's arguments filed 11/26/07 have been fully considered but they are not persuasive.

Applicant argues that EP ('080) does not disclose a fold line. It is the examiner's position that the angle of EP is a functional equivalent of applicant's fold line. The angle (fold) of the support, as taught by EP ('080) functions the same as a fold which obviates interfering reflections from the laser-cutting beam.

Applicant argues that EP ('080) does not teach a trough. The examiner respectfully notes that this is taught by Anderson. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Alexandra Elve whose telephone number is 571-272-1173. The examiner can normally be reached on 7:30-4:00 Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jonathan Johnson can be reached on 571-272-1177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

February 4, 2008.

/M. Alexandra Elve/
M. Alexandra Elve
Primary Examiner 1793